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# HOUSE BILL No. 1733

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-4-920.

**Synopsis:** Verification of adverse party information. Provides that a board of zoning appeals is not required to confirm the accuracy of a party's name and address provided by the party on a written appearance.

**Effective:** July 1, 2007.

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January 26, 2007, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1733

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-7-4-920 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 920. (a) The board of  
3 zoning appeals shall fix a reasonable time for the hearing of  
4 administrative appeals, exceptions, uses, and variances.  
5 (b) Public notice in accordance with IC 5-3-1-2 and IC 5-3-1-4 and  
6 due notice to interested parties shall be given at least ten (10) days  
7 before the date set for the hearing.  
8 (c) The party taking the appeal, or applying for the exception, use,  
9 or variance, may be required to assume the cost of public notice and  
10 due notice to interested parties. At the hearing, each party may appear  
11 in person, by agent, or by attorney.  
12 (d) The board shall, by rule, determine who are interested parties,  
13 how notice is to be given to them, and who is required to give that  
14 notice.  
15 (e) The staff (as defined in the zoning ordinance), if any, may appear  
16 before the board at the hearing and present evidence in support of or in  
17 opposition to the granting of a variance or the determination of any

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1 other matter.

2 (f) Other persons may appear and present relevant evidence.

3 (g) A person may not communicate with any member of the board  
4 before the hearing with intent to influence the member's action on a  
5 matter pending before the board. Not less than five (5) days before the  
6 hearing, however, the staff (as defined in the zoning ordinance), if any,  
7 may file with the board a written statement setting forth any facts or  
8 opinions relating to the matter.

9 (h) The board may require any party adverse to any pending petition  
10 to enter a written appearance specifying the party's name and address.  
11 **The board is not required to confirm the accuracy of the party's**  
12 **name and address.** If the written appearance is entered more than four  
13 (4) days before the hearing, the board may also require the petitioner  
14 to furnish each adverse party with a copy of the petition and a plot plan  
15 of the property involved.

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